

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Broadcast Localism) MB Docket No. 04-233
)
)

To: Office of the Secretary
Attn: The Commission

COMMENTS

_Wagonwheel Communications Corporation, the licensee of KUGR, KYCS, KFRZ, and KZWB, pursuant to *Report on Broadcast Localism and Notice of Proposed Rulemaking*, FCC 08-218, MB Docket No. 04-233, released January 24, 2008, hereby submits its comments in this proceeding regarding the FCC's several proposed rule changes designed to enhance broadcast localism and diversity, to increase and improve the amount and nature of broadcast programming that is targeted to the local needs and interests of a broadcast station's community of service, and to provide more accessible information to the public about broadcasters' efforts to air such programming.¹

A. COMMUNICATION BETWEEN LICENSEES AND THEIR COMMUNITIES

¹ By *Public Notice*, DA 08-515, released March 6, 2008, time for filing comments in this proceeding was extended to April 28, 2008. Accordingly, these comments are timely filed.

1. *Enhanced Disclosure.* The Commission states that the record in this proceeding, particularly that portion amassed during the series of public hearings conducted across the country, suggests that current disclosure is inadequate and many individuals may be unaware of the breadth of their community licensees' locally oriented programming.

Wagonwheel Communications believes this expanded reporting proposal is unnecessary and will actually have a negative impact on our station's abilities to serve our community. In radio, where the names and voices are intimately familiar to the community, especially in small markets like ours, it is obvious when local content, local origination, and local information is being programmed. A requirement to document, track, record, and report all the facets of local programming would require resources, (funds and manpower) that are currently deployed to provide this local programming. This proposal would require a major diversion of efforts from someone on our staff of thirteen. The result would be less service to the community in exchange for paperwork. We believe this proposal is in direct conflict with the Commission's stated goals.

In addition, we believe that network programming is essential to a small market and the people's choice. In this market of eight stations, the two consistently most listened to stations carry a substantial amount of network programming. The community has spoken. To remove this option from the market would be a disservice to the community and would undoubtedly result in negative community reaction. We believe the Commission's goals would be better met by allowing the marketplace to determine the programming.

2. .

3. *Community Advisory Boards.* . The Commission believes that new efforts are needed to ensure that licensees regularly gather information from community representatives to help inform the stations' programming decisions including regular, quarterly licensee meetings with a board of community advisors and improved access by the public to station decision makers. The Commission proposes that each licensee should convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station.

Our small market stations are in tune with the community as a prerequisite to survival. We see our community daily.....at the store, at the schools, at community meetings. Our staff is part of the community. On our staff of thirteen is the

Chairman of the school board, the Vice-chair of the water board, a member of the Parks and Recreation Advisory Committee, the past Chairman of the hospital board, a past member of the Fair Board, President of the high school sports officiating organization, three members of the areas largest, local charity, a member of the United Way committee, a member of the Chamber of Commerce Ambassador group, the public information officer for the city fire department and emergency management agency, the Fire Prevention Chief for the city, and one a leading Hispanic member of this community who has hosted our weekly Spanish program for thirty years. I golf with the former mayor, another former mayor cleans our carpets, his sister cuts my hair, and his other sister was our house keeper. We would ask the Commission to take a broad approach here and allow stations that have a finger on the pulse of their community to continue doing this in a manner that is not only working, but a benefit to the community they serve. We suggest the best approach is for the Commission to set a performance standard and allow us the freedom to meet that standard in a way that best serves our community and demonstrate how we are in touch.

4. *Remote Station Operation.* The Commission believes that the prevalence of automated broadcast operations which allow the operation of stations without a local presence has a negative impact upon the licensees' ability to determine and serve local needs.

Wagonwheel Communication suggests that just the opposite is true. Automated broadcast operations allow us to direct our efforts away from the things a machine can do (like monitor a studio board) to things a machine can't do (like attend meetings, participate in community organizations, and produce programming of local interest). Technology has allowed us to turn our attention from delivery of content to the production of content. A reallocation of resources to monitor broadcast equipment means those resources will not be available to provide content serving the community. We think this proposal will actually have a negative impact on the Commission's goal. We would have to seriously consider not broadcasting overnight. It is our belief that being on the air unattended is far better than turning off the transmitter. Today's technology allows us to respond quickly and efficiently to local emergencies without having someone stand watch 24 hours every day. We suggest the Commission again set a standard of performance level and allow us to use the technology of the day to best serve our community.

B. NATURE AND AMOUNT OF COMMUNITY-RESPONSIVE PROGRAMMING

5. *Local Programming Renewal Application Processing Guidelines.* The Commission concludes that it should reintroduce renewal application processing guidelines that will ensure that all broadcasters provide some locally-oriented programming. The Commission proposes that renewal applications filed by licensees that have met or exceeded the prescribed minimum percentages will be processed by the Media Bureau on delegated authority while those that do not will require consideration by the full Commission for a consideration of whether license renewal is in the public interest.

Wagonwheel Communications agrees that stations should provide local programming in order to serve their community. We could ask the Commission to take into consideration market size, format, and expressed community preferences. In our market of eight stations, the station with a satellite morning show is consistently number one or two in the market. The community has spoken. Programs like Rush, Dr. Laura, and others are important to this community. If

they were not, there would be no audience and we would certainly respond with programming to gain an audience.

Different formats will have different amounts of local content requirements.....it is inherent in the format. Rock stations are music driven and to require the same amount of news as a talk station would render it no longer a rock station or appealing to a rock audience. At that point, the very community we are attempting to serve has received disservice. We suggest the Commission provide a broad standard here, to allow formats, market, and community to be factors in determining community service.

And finally, network programming, or satellite programming, allows our staff to do more than play CD's and punch buttons in a studio. Our programming people are able to produce local content with purpose in addition to what comes from our news department. Our programming people cover the arts, entertainment, and community events. We should remember that this industry was founded on network programming, and come to think of it, I still long for the bells of Weekend Monitor. Again, we believe this proposal will actually be counter to the goal of the Commission.

6. *Main Studio Rule.* The Commission concludes that licensees be required to locate their main studios within the local communities so that they are “part of the neighborhood” thus reverting to the Commission’s pre-1987 main

studio rule in order to encourage broadcasters to produce locally originated programming.

Wagonwheel Communications suggests this proposal will not further localism and diversity of voices in the community, but will actually work in the opposite direction. Our market has grown by 70 percent the number of signals available to the public.....a direct result of current rules allowing consolidation of studios and facilities. Separate studios would make some of these stations economically unviable. Separate studios would have prevented many of these stations from ever coming on the air. We believe there needs to be rules as to studio location, but suggest that arbitrarily drawn political boundaries, such as city limits, are not the answer. We serve communities, communities that find the edge of the city limits to be meaningless. We believe the current rules adequately serve the community and the industry and suggest they remain intact.

AM Use of FM Translators. The Commission is proposing to expand the purpose and permissible service of FM translator stations to allow their use to provide fill-in service for AM radio stations.

Wagonwheel Communications is in complete agreement with this proposal and encourages the Commission to move forward. We believe this will truly be an increased service to the community.

C. LICENSE RENEWAL PROCEDURES

7. *Renewal Application Processing Guidelines.* The Commission concludes that it should reintroduce specific procedural guidelines for the processing of renewal applications for stations based on their localism programming performance.

As stated earlier in these comments, Wagonwheel Communications agrees that a local programming requirement is consistent with localism. But again, we caution the Commission to not make a “one rule fits all” rulemaking. Market size, station format, and community preferences need to be addressed. And again, we ask the Commission to also consider the negative impacts, especially to small stations, small staffs, and small markets in tracking, recording, documenting, and reporting these and all reporting requirements in this proposal.

In conclusion, Wagonwheel Communications Corporation submits that the above comments should be taken into consideration by the Commission in issuing its decision in the above-referenced proceeding.

Respectfully submitted,

Wagonwheel Communications

Corporation

By, Alan W. Harris, President

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